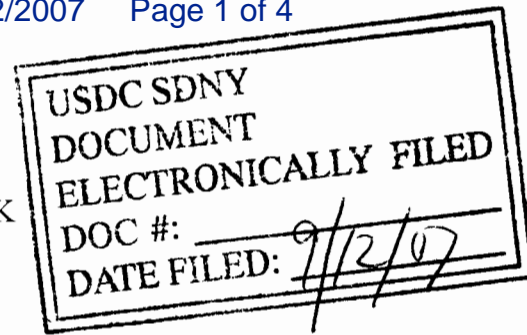


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ASCENT MEDICAL TECHNOLOGY  
FUND II, LP,

Plaintiff,

Civil Action No. 07-CIV-6353 (SAS)

v.

**SCHEDULING ORDER**

TELEFLEX MEDICAL INCORPORATED,

Defendant.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on August 16, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order;

1. The participants in the September 11, 2007 conference are:

For Plaintiff:

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Morris, Downing & Sherred, LLP  
One Main Street, P.O. Box 67  
Newton, New Jersey 07860  
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For Defendant:

Richard B. Harper  
Maureen P. Reid  
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30 Rockefeller Plaza  
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2. The issues as they appear as of the time of the conference are:

This is a contract action arising out of Plaintiff's 2007 efforts to purchase Defendant's medical guide wire business. Plaintiff has asserted claims for breach of contract, breach of the implied covenant of good faith and fair dealing, and promissory estoppel. Plaintiff has also asserted that it is suffering irreparable harm as a result of Defendant's conduct and has indicated that it will be seeking injunctive relief. Defendant has answered Plaintiff's complaint, denied a number of its factual allegations, denied liability, and asserted nine affirmative defenses, including failure to state a claim upon which relief may be granted, the Statute of Frauds, and lack of subject matter jurisdiction.

- Amend Pleadings — by Sept 28, 2007*  
3. Discovery in this action shall proceed as follows:

- a. Depositions: *(Mid-Nov through JAN 31, 2008)*

Plaintiff currently anticipates taking the depositions of the following persons currently employed by or otherwise under the control of Defendant: John Sickler, Jr., Jim Leyden, Lisa Thompson, John Sickler, Sr., R. Ernest Waaser, Jeffrey P. Black.

Defendant currently anticipates taking the depositions of the following persons currently employed by or otherwise under the control of Plaintiff: Peggy Farley, Karl Groth, Al Emola, and Ciaran Hood.

Plaintiff currently anticipates taking the depositions of the following third-parties: Mark Flaischhacker, Tim Norman, David Brooke.

Defendant does not currently anticipate taking the depositions of any third-parties, but reserves the right to do so based on information learned in discovery.

The parties have indicated that they have not yet been able to coordinate schedules sufficiently to set forth a comprehensive schedule of all depositions but will work diligently to do so.

All depositions of fact witnesses shall be taken on or before January 31, 2007, 2008. *[Signature]*

b. Document Production:

All documents, including electronic information, identified by the parties in their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), shall be produced on or before October 12, 2007.

All document requests shall be served on or before October 17, 2007.

All documents not previously produced and responsive to the parties' initial document requests shall be produced on or before November 12, 2007.

All interrogatories and requests for admission shall be served on or before March 21, 2008.

c. Expert Discovery:

Plaintiff will provide any expert reports to Defendant on or before February 21, 2008. Defendant has indicated that it does not currently anticipate retaining an expert other than in rebuttal to any experts retained by Plaintiff. Defendant will furnish any rebuttal reports on or before March 21, 2008. Expert depositions will be completed on or before April 21, 2008.

d. Discovery Cut-Off/Dispositive Motions:

All discovery shall be completed by April 21, 2008.

Dispositive motions, if any, shall be filed on or before May 13, 2008.

e. Pretrial Order:

Plaintiff will supply its pretrial materials to Defendant on or before June 30, 2008. The parties will submit a pre-trial order, in a form conforming with the Court's instructions, together with trial briefs and proposed findings of fact and conclusions of law or voir dire questions and jury instructions, as appropriate, on or before July 29, 2008.

g. A final pre-trial conference pursuant to Fed. R. Civ. P. 16(d) shall be held on Feb 14, 2008. *at 4:30*

4. The parties will submit a proposed confidentiality order to the Court. The parties do not currently anticipate any other limitations to be placed on discovery.

5. After a good faith effort, the parties have been unable to reach an agreement on the following discovery issues: none at this time. .

6. Plaintiff currently anticipates offering expert testimony regarding valuation of the medical guide wire business at issue. Plaintiff may also seek to offer expert testimony regarding the costs it has incurred in developing its own guide wire business, allegedly in reliance on representations made by Defendant. Defendant currently anticipates offering expert testimony in rebuttal.

7. Plaintiff has sought injunctive relief, and in the alternative, damages. Plaintiff has filed a jury claim on "all issues so triable." Defendant has also filed a jury claim. The parties anticipate that the trial could be conducted within two weeks.

8. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Dated: September 11, 2007

MORRIS, DOWNING & SHERRED,  
LLP

By: 

David L. Johnson (DJ-7079)

Douglas C. Gray (DG-3907)

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Attorneys for Defendant Teleflex  
Medical Incorporated

**SO ORDERED:**

  
The Honorable Shira A. Scheindlin, U.S.D.J.

9/11/07